

To:

WATERMARK PATENT & TRADEMARK
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PCT

WRITTEN OPINION
(PCT Rule 66)

*Extension
necessary
informal with
PCT/Rule
12/12/03*

Applicant's or agent's file reference
P21071PCAU

Date of mailing
(day/month/year)

10 NOV 2003

REPLY DUE

within **TWO MONTHS**
from the above date of mailing

International Application No.

PCT/AU03/00340

International Filing Date (day/month/year)

20 March 2003

Priority Date (day/month/year)

20 March 2002

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ G06F 17/60

Applicant

VCUBED PTY LTD et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
20 July 2004

4. The applicant is hereby invited to reply to this opinion.

When? See the **Reply Due** date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the **Final Date** by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. **If no response is filed by 1 month before the Final Date**, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least **3 months before the Final Date** by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

Name and mailing address of the IPEA/AU

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Authorized Officer

M.J. O'ROURKE

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I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages ; as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 8-9 and 14	YES
	Claims 1-7, 10-13	NO
Inventive step (IS)	Claims 14	YES
	Claims 1-13	NO
Industrial applicability (IA)	Claims 1-14	YES
	Claims	NO

2. Citations and explanations

Novelty (N)

- US 5864818 Claims 1-5, 12-13

The cited document discloses a hotel reservation system, where a travel agents can book accommodation for their clients. Features of the document included a hotel (ie. business centre) and a travel agent (ie. central data centre) and a technique of synchronising the booking information (Col.2, line 64 - Col.3, line 8, Col.4, line 6-22). Figure 2 (ie. Transaction Processor) illustrates that each of the centres having access to each others database, thereby allowing the synchronisation of information.

- WO 01/99022 Claims 1-7, 10-13

The cited document discloses a travel service system which enables customer to book travel arrangements via a travel agent. An embodiment of the document details a hotel reservation system (page 21, line 27 - page 23, line 18 and Figures 8a-8d), where an agent (ie. central data centre) can book accommodation at a hotel (ie. business centre). Since the system allows the agent and hotel access to a common database, the booking information is synchronised between the two entities.

Other features disclosed within the document include reservation for tours (page 8, line 4) and a selection of room types (figure 8c).

Inventive Step (IS)

Claims 1-7 and 10-13 are not inventive for reasons given above.

Furthermore, appended claims 8 and 9 relate to parameters or structures that are merely matters of design choice when the general technical knowledge about the state of the art is used and hence they cannot contribute to patentable invention.

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P, X WO 02/47002	13 th June 2002	3 rd December 2001	4 th December 2000
P, X US 2003/0023463	30 th January 2003	16 th April 2001	16 th April 2001
NEW CITATION			
P, X US 2003/0101071	29 th May 2003	21 st August 2002	21 st August 2001

Refer to Supplemental Box

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of VI

In reference to the cited document US 2003/0023463, in subsequent consideration, the features in claims 1-14 are not disclosed within the document.

Novelty (N)NEW CITATION

- US 2003/0101071 Claims 1-4, 8, 11-13

The cited document discloses a booking system which allows a service provider (ie. business centre) and a mediator (ie. central data centre) to share (ie. synchronise) booking information of a particular customer. Embodiments of the document include bookings for hotels, airlines and allowing changes or cancellations of existing reservations.

- WO 02/47002 Claims 1-8, 11-13

The cited document details an electronic reservation referral system, in which customers initiate a booking with a hotel (ie. business centre), the details associated with the booking are then forwarded to the reservation referral system (ie. central data centre). The reservation referral system then forwards the details (ie. email address, locations, dates and possible required services) of the customer to other service providers with the intention of securing further sales. Embodiments within the document also disclose options of tour operators (page 10, line 1) and allowing for changes of itinerary (page 15, line 31-page 16, line 22).

Inventive Step (IS)

Claims 1-8, 11-13 lack an inventive step for reason given above.

Furthermore, appended claims 9 and 10 relate to parameters or structures that are merely matters of design choice when the general technical knowledge about the state of the art is used and hence they cannot contribute to patentable invention.